

**REPORT - PLANNING COMMISSION MEETING**  
**July 24, 2003**

**Applicant:** CITY OF FREMONT (PLN 2000-00131)

**Proposal:** To recommend to the City Council a referral from the Historical Architectural Review Board for a Zoning Text Amendment to Title VIII (Planning and Zoning) Chapter 2 (Planning) Article 19.1 Historical Architectural Review Board, of the Fremont Municipal Code, to extend the staff rather than HARB review of signs in areas with adopted sign design guidelines.

**Recommended Action:** Recommend one-year extension rather than HARB review of signs as endorsed by the Historical Architectural Review Board to the City Council.

**Location:** Applies to areas adopted sign design guidelines in Niles, Centerville, Irvington and Mission San Jose.

**Environmental Review:** Categorically exempt from California Environmental Quality Act per Section 15061(b)(3) because the project has no potential for causing a significant effect on the environment.

**Existing General Plan:** Varies

**Existing Zoning:** Varies

**Existing Land Use:** N/A

**Public Hearing Notice:** Public hearing notification is applicable. Because this project may impact in excess of 1,000 property owners, a Notice of Public Hearing ad was transmitted to the Argus newspaper on July 8, 2003, to be published by July 14, 2003.

**Executive Summary:** In January 2000, the City Council adopted a zoning text amendment that, for a limited period of time, delegated the review of some signs (previously performed by the Historical Architectural Review Board) to staff. On July 11, 2000, the amendment was extended for a 12 month period. Staff review is allowed for signs in areas with adopted design guidelines (Centerville, Niles, Mission San Jose and Irvington) and where the sign design submitted is consistent with adopted sign design guidelines. At the time of the zoning text amendment in July 11, 2000, staff committed to evaluate the procedure and to make a recommendation on a permanent change to the ordinance. However, at that time staff reviewed and approved only a few signs during this period. On March 1, 2001 and June 6, 2002 HARB voted unanimously to recommend to City Council extending the delegation of authority for one additional year. Members of the board commented that they would like to see more examples of staff review prior to making any recommendation for permanent staff review. The delegation of authority will expire July 31, 2003.

**Action by the Historical Architectural Review Board:** On July 10, 2003, the Board voted to recommend to City Council extending the delegation of authority **for staff review** for one additional year rather than HARB review of signs.

**Project Description:** Based on the HARB recommendation, staff is bringing forward a one-year extension of staff review of signs. Staff proposes that subsection (8) of section 8-21910.3, Projects exempted from historical architectural review board, of Article 19.1 be amended as follows:

- (8) Subsection (1) notwithstanding, through July 31, ~~2003~~ 2004, all signs in areas with adopted design guidelines, and where such signs are consistent with the appropriate design guidelines

and ordinance requirements, except that staff may refer any sign to the Historical Architectural Review Board for review.

The full text of this section and the proposed changes is shown in Exhibit "A" (enclosed in Commission packets).

After a sign is approved by staff, information on sign design, size and colors is provided as an information item to the Historic Architectural Review Board.

**Project Analysis:** The proposed zoning text amendment extends the delegation of HARB's authority to staff for review of sign design for one additional year. Staff approval would extend only to those signs consistent with the ordinance requirements and the design guidelines. Staff has no authority to make exceptions to the Guidelines. Signs not consistent with the Guidelines would continue to be reviewed by the Historical Architectural Review Board. Staff would continue to report to the Historical Architectural Review Board regarding staff sign approval.

The project provides a positive benefit to business owners by allowing faster and less costly approval of signs. Applicants would continue to pay a building permit fee for the sign (\$50 for a non-illuminated sign; \$70 for an illuminated sign) which is required for all signs but would not be required to pay the \$200 flat fee for HARB review. Sign review by staff is complete in approximately 5 working days as compared to up to 45 days from the application date to the next scheduled HARB meeting. Staff review of signs consistent with adopted design guidelines helps implement General Plan goals related to Historic Sites, Buildings and Districts (General Plan Land Use Chapter) and the General Plan Fundamental Goal F-13: "Vital Connections between the History and Heritage of the Community and Everyday Life".

**Environmental Analysis:** Categorically exempt from California Environmental Quality Act per Section 15061(b)(3) because the project has no potential for causing a significant effect on the environment.

**Response from Agencies:** No response was provided at the time of report writing.

**Enclosures:** Exhibit "A" (Zoning Text Amendment – Extending delegation of HARB authority relating to signs to July 31, 2004).

**Recommended Actions:**

1. Hold public hearing.
2. Find PLN 2000-00131 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapters. The project conforms to the goals and objectives of the historic commercial districts.
3. Recommend the City Council introduce an ordinance for a Zoning Text Amendment (PLN 2000-00131) in conformance with Exhibit "A".

## EXHIBIT "A"

### CITY OF FREMONT – Delegation of HARB Authority relating to Signs

#### Zoning Text Amendment (PLN 2000-00131)

##### Section 1:

Subsections (a) and (a)(8) of Section 8-21910.3 (Projects exempted from historical architectural review board) of Article 19.1 (HISTORICAL ARCHITECTURAL REVIEW BOARD) of Chapter 2 (Zoning) of Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended/added as follows:

#### **Sec. 8-21910.3. Projects exempted from historical architectural review board.**

(a) Projects exempted from review by the Historical Architectural Review Board shall be subject to staff review and approval. The following categories of projects may be exempted by the zoning administrator from review by the board:

- (1) Minor exterior alterations (excluding signs) which do not alter the architectural character of the building or have a significant impact on the historic character of an overlay district or primary historic resource;
- (2) Alterations and additions effectively screened from view or not visible from any public right-of-way or neighboring properties; effective screening may include a structure, fence, wall, gate, door, hedge, trees, other plant material or a combination of such items at least five feet tall;
- (3) Exterior alterations related to seismic retrofitting of buildings which do not alter the architectural character of the building or have a significant impact on an overlay district or primary historic resource.
- (4) The construction of minor accessory buildings and structures three hundred square feet in size or smaller, that will not have a significant impact on the historic character of the overlay district or primary historic resource;
- (5) The construction of shelters (a roof supported by posts) that will not have a significant impact on the historic character of the overlay district or primary historic resource and that will be removed within one year of date of construction;
- (6) The restoration of buildings to original historic appearance where such historic appearance is adequately documented;
- (7) Landscaping where no other development is being reviewed;
- (8) Subsection (1) notwithstanding, through July 31, ~~2003~~ 2004, all signs in areas with adopted design guidelines, and where such signs are consistent with the appropriate design guidelines and ordinance requirements, except that staff may refer any sign to the Historical Architectural Review Board for review.

(b) Notices of action to exempt projects from HARB review shall be mailed to members of the Historical Architectural Review Board.